



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,530	10/30/2000	David Tolpin	25310-1C	7292
21186	7590	12/08/2004	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/699,530

Applicant(s)

TOLPIN, DAVID

Examiner

Quoc A. Tran

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 101 & 112 Rejection.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the _____ application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


SANJIV SHAH
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments filed 05/19/2004 have been fully considered but they are not persuasive. In response to applicant's arguments on pages 7-9, that '397 did not teach or suggested the limitation of claims 1-6, and 9-16. In particular the verb invert, which is recommended by the Applicant as, "Webster defines the verb invert as to reverse in position, order, or relationship" See, Merriam-Webster On-Line Dictionary at <http://www.m-w.com/>, keyword "invert." Conversely, Webster's defines the verb revert as to come or go back." See, Merriam-Webster On-Line Dictionary at <http://www.m-w.com/>, keyword "revert." The distinction between inversion and reversion is a significant one, and one in which the Examiner has missed as evidenced by the Examiner's attempt to use these different terms in a synonymous manner. The examiner respectfully disagrees, As taught by '305 - US005111397A -filed 12/11/1989, at col. 7, lines 45-51, wherein inserting the footnote from one position (last good line) to a new position (new line) is equivalence to reverse the position, order, or condition of: invert the subject and predicate of a sentence is known as invert. Therefore claims 1-6 and 9-16, remain rejected. Since the independent claims 1, and 9, are remains rejected leads to the rejection of their dependency claims 7-8 as well.

In response to applicant's arguments on pages 9-10, that '515 did not teach or suggested the limitation of claims 17-20. In particular the verb "assemble" as to bring together." See, Merriam-Webster On- Line Dictionary at <http://www.m-w.com/>, keyword "assemble." Contrast that with the verb "invert" which means to reverse in position, order, or relationship." See, Merriam-Webster On-Line Dictionary at <http://www.m-w.com/>, keyword "invert". The examiner respectfully disagrees, As taught by '515 – US 4503515 -filed 05/17/1982, at col. 9, lines 1-15, wherein inserting the footnote from one position (bottom of each page) or new position (the end of the document) is equivalence to reverse the position, order, or condition of: invert the subject and predicate of a sentence is known as invert. Therefore claims 17-20, remain rejected.